

Introduced by Senator Morrow

March 8, 2006

Senate Joint Resolution No. 26—Relative to ports and harbors.

LEGISLATIVE COUNSEL'S DIGEST

SJR 26, as introduced, Morrow. Port security.

This measure would memorialize the President and Congress of the United States to exercise the utmost scrutiny and judgment in any decision affecting the port and maritime security of the United States and her citizens, specifically with regard to the potential Dubai Port World contract. The measure would also memorialize the federal government to ensure that any terminal operation contracts abide strictly by the Maritime Transportation Security Act of 2002 and the International Ship and Port Facility Security Code.

Fiscal committee: no.

1 WHEREAS, The United States of America is engaged in a
2 Global War on Terrorism (GWOT), specifically against radical
3 Islamist terrorist organizations, such as al-Qaeda, its affiliates,
4 and allies, that seek the mass murder of American citizens, the
5 destruction of American assets, and the degradation of United
6 States interests around the world; and
7 WHEREAS, These terrorist organizations have demonstrated
8 clear capability to successfully execute multiple successful
9 attacks within the United States' national borders, including
10 attacks on the World Trade Center (1993 - 6 killed,
11 approximately 1,000 wounded; 2001 - approximately 3,000
12 killed or missing and thousands more wounded) and the
13 Pentagon building (2001 - 189 killed and hundreds wounded);
14 and

1 WHEREAS, These terrorist organizations also have
2 demonstrated the ability to successfully strike American citizens
3 and assets outside the United States, including attacks on United
4 States embassies in Nairobi, Kenya (1998) and Dar es Salaam,
5 Tanzania (1998), with hundreds of Americans, Kenyans, and
6 Tanzanians killed or missing, and thousands more injured; and

7 WHEREAS, These organizations have also demonstrated an
8 ability to exploit loopholes in port and harbor security through
9 the successful suicide attack in 2000 against the USS Cole, a
10 United States Navy warship, which was docked for refueling at
11 the port of Aden, Yemen, where an intentional explosion killed
12 17 American sailors and wounded 39 others; and

13 WHEREAS, On January 19, 2006, Osama bin Laden, the head
14 of al-Qaeda, released an audiotape to the world through the
15 pan-Arab television station al-Jazeera, stating:

16
17 “On the other hand, the mujahadeen, praise be to
18 God, have managed to breach all the security
19 measures adopted by the unjust nations of the
20 coalition time and again. The evidence of this is the
21 bombings you have seen in the capitals of the most
22 important European countries of this aggressive
23 coalition. As for the delay in carrying out similar
24 operations in America, this was not due to failure to
25 breach your security measures. Operations are under
26 preparation, and you will see them on your own
27 ground once they are finished, God willing ...”
28

29 thereby, threatening major terrorist operations with the territory
30 of the United States; and

31 WHEREAS, The United States Department of Homeland
32 Security has identified unique vulnerabilities within our nation’s
33 system of ports and maritime facilities to small craft and
34 underwater attacks and vehicle-borne improvised explosive
35 devices, enacting various programs to strengthen security
36 loopholes, such as the Port Security Grant Program, which in its
37 fifth round of award in September, 2005, distributed an
38 additional one hundred forty-two million dollars (\$142,000,000)
39 to help protect ports from terrorism, safeguard communities, and
40 ensure the uninterrupted flow of global commerce; and

1 WHEREAS, Concerns also have been expressed regarding the
2 safety and security of containers associated with international
3 shipping; and

4 WHEREAS, At this unique time when United States port
5 vulnerability coincides with rededicated efforts by al-Qaeda to
6 export terror violence into the sovereign territory of the United
7 States, a firm, Dubai Ports World (DP World), largely owned by
8 the Emirate of Dubai (Dubai), is pursuing purchase of the
9 contract for terminal operations of significant portions of
10 operations in six major United States ports (New York,
11 Baltimore, Miami, New Jersey, New Orleans, and Philadelphia);
12 and

13 WHEREAS, Although Dubai has at times cooperated with the
14 United States in the GWOT, the emirate is also part of the United
15 Arab Emirates (UAE), an entity demonstrated to have had
16 significant ties with Osama bin Laden in the past; and

17 WHEREAS, The UAE has, on occasion, operated against the
18 security interests of the United States, for example, according to
19 press reports citing Congressman Duncan Hunter, Chairman of
20 the House Armed Services Committee, in 2003, the UAE
21 allowed 66 American-made high speed electrical switches, which
22 can be used to trigger nuclear weapons, to be sent to a Pakistani
23 business despite United States' protests, and that there have been
24 several other transshipments of materials used in the construction
25 of nuclear bombs through Dubai, such as centrifuge parts and a
26 liquid used in nuclear reactors; and

27 WHEREAS, According to press reports, another Dubai-owned
28 firm, Dubai International Capital LLC, is bidding on a British
29 company, Doncaster Group LTD, with plants in Georgia and
30 Connecticut, that manufacture precision engine parts for United
31 States military aircraft and tanks; and

32 WHEREAS, According to the United States Department of
33 Homeland Security, a terminal operator, whether a person or a
34 corporation, is responsible for operating its particular terminal
35 within the port, including loading, unloading, or transfer point for
36 the cargo, and storage and repair facilities, and management
37 offices; and

38 WHEREAS, On February 26, 2006, President Bush agreed to
39 a 45-day security overview of the proposed DP World contract;
40 and

1 WHEREAS, The full security ramifications of the DP World
2 contract being considered are presently unclear, and until such
3 agencies as the United States Department of Homeland Security,
4 the Federal Bureau of Investigation, the United States Coast
5 Guard, members of the United States Congress with national
6 security oversight, and other relevant governmental entities
7 express satisfaction that security concerns have been resolved;
8 and

9 WHEREAS, The security of the United States and its citizens
10 must always be the first priority of government at every level;
11 now, therefore, be it

12 *Resolved by the Senate and the Assembly of the State of*
13 *California, jointly,* That the Legislature respectfully
14 memorializes the President and Congress of the United States to
15 exercise the utmost scrutiny and judgment in any decision
16 affecting the port and maritime security of the United States and
17 her citizens, specifically with regard to the potential Dubai Port
18 World contract; and be it further

19 *Resolved,* That the Legislature respectfully memorializes the
20 federal government to ensure that any terminal operation
21 contracts abide strictly by the Maritime Transportation Security
22 Act of 2002 and the International Ship and Port Facility Security
23 Code, that came into force in 2004; and be it further

24 *Resolved,* That the Secretary of the Senate transmit copies of
25 this resolution to the President and Vice President of the United
26 States, the Speaker of the House of Representatives, to each
27 Senator and Representative from California in the Congress of
28 the United States, to the Director of the United States Department
29 of Homeland Security, and the Commandant of the United States
30 Coast Guard.

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